

REMARKS

Prior to this amendment, claims 1-17 were pending.

In the Office Action mailed February 9, 2007, claims 2-10 were rejected under 35 U.S.C. §112, ¶2 as being indefinite because claims 2-10 recite that the method of claim 1 is implemented “at a deferred time.” Claim 16 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,252,868 to Diachina. Claims 1, 2, 4-6 and 10-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent number 6,628,946 to Wiberg et al. Claims 10-14 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of *Diachina* and *Wiberg*. Claims 7-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Diachina* in view of *Wiberg* and U.S. patent number 6,327,468 to Iersel et al. Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Diachina* in view of *Wiberg* and U.S. pre-grant publication number 2001/0053684 by Prila.

With regard to the prior art rejections made under 35 U.S.C. §102 and §103, claim 1 has been amended to avoid the references that were cited in the office action. Paraphrased, claim 1 has been amended to recite that a message is sent on a control channel, which indicates that a system information change is going to occur at a predetermined time in the future. The claim recites that the message identifying an upcoming system information change specifies a time when the system information change will occur. The claim has also been amended to recite that the message that indicates an upcoming system information change is repeated on the same control channel.

Support for the amendments to claim can be found in paragraphs 0032-0033 and in paragraph 0043. No new matter has been added.

Paragraph 0032 states that when a UTRAN wishes to change a user equipment (UE) configuration, the UTRAN will issue a message to user equipment. The issued message will contain a command to invoke a specific RRC procedure. Paragraph 0033 states that when a UE reads master information blocks (MIB), the UE tests the values of successive MIBs to determine if their values have changed. If the value of one MIB is different from the value of a previously-

received MIB, the UE knows that it must then acquire updated information. FIGS. 5A and 5B also depict the MIB being received repeatedly. Since paragraphs 0032 and 0033 and FIGS. 5A and 5B require that successive master information blocks be read one-after-another, it necessarily follows that the MIBs are transmitted one-after-another on the same channel, otherwise, there would be no way for a UE to know the temporal order of MIBs that it received.

Paragraph 0043 states that “[t]he notification of a system information change indicates that the system information changes is to be implemented by a receiving device at a deferred time T.” (Emphasis added.) Paragraph 0039 states that the notification of a system information change is sent by the UTRAN “at a time close to the intended change. Thus, the amendments to claim 1 are fully supported by the specification.

In the office action, the Examiner rejected original claim 1 under 35 U.S.C. §102 as being anticipated by *Diachina*. As the Examiner knows, a rejection under 35 U.S.C. §102 requires each and every claim limitation to be found in a single reference. The Examiner cited column 10, lines 59-60 of *Diachina* as ostensibly teaching the claim 1 limitation that requires sending a first message that indicates a notification of a system information change. The Examiner cited *Diachina*’s “reselection” as being analogous to the pending claims’ system information change notification.

Amended claim 1 now recites that the message indicating notification of a system information change is sent on a control channel and that re-transmissions of the message are sent on the same control channel. In column 10, lines 58-59, *Diachina* states that [a] mobile may...read a paging slot on another control channel.” In lines 61-65, *Diachina* states that “reselection is facilitated when the two control channels are synchronized.”

If the Examiner contends that *Duchina* col. 10 lines 59-60 anticipate the claim 1 step of “sending a first message on a control channel, indicating notification of a system information change,” it necessarily follows that pending claim 1 is patentably distinct from *Duchina* because *Duchina* requires a paging message to be sent on two different control channels whereas amended claim requires the notification messages to be sent on the same control channel. The amendments to claim 1 thus avoid *Duchina*.

Claim 1 was also rejected under 35 U.S.C. §102(b) as being anticipated by o *Wiberg*. In response, claim 1 has been amended to recite that the message sent to indicate a system information change, specifies when the change will occur at a predetermined time in the future.

Wiberg teaches a method by which a mobile device can detect whether new communication values need to be downloaded from a new cells' base station by monitoring "tags" that are broadcast from a cell site's base station in real time. In other words, the method of *Wiberg* cannot predict or foretell when a system change will occur in the future as amended claim 1 requires.

In column 7, lines 52-56, *Wiberg* states that a base station continuously broadcasts a tag value. In column 9, lines 35-55, *Wiberg* states that when a mobile station (MS) moves from one cell to another, the mobile station "locks onto [a] new master control channel... and reads [a] tag value in the new cell." In column 10, lines 15-20, *Wiberg* states that when a mobile station has been turned off and later turned on again, "it simply checks to see which tags are valid in the new cell." Since *Wiberg* teaches the detection of tags in real time, *Wiberg* is unable to satisfy the limitations of amended claim 1, which require sending repeated messages on the same control channel and which specify a predetermined future time at which a system change will occur. The amended claim 1 thus avoids *Wiberg*.

Since amended claim 1 avoids both *Wiberg* and *Duchina*, claims that depend from claim 1 also avoid both references. In other words, each of claims 2-15 and 17 are allowable over both references.

Claim 16, which had been rejected under 35 U.S.C. §101, has been cancelled. The subject matter that claim 16 circumscribed is within the scope of claim 17.

Dependent claims 2-10, which were rejected under 35 U.S.C. §112, have been amended to delete the term "at a deferred time." These claims now recite a "predetermined future time."

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The applicant believes that the amendments traverse the rejections and place the claims in condition for allowance. Reconsideration of the claims is respectfully requested.

Respectfully submitted,

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